APPENDIX.

[Vide answer to starred question No. 28 asked by Sri T. Purushotham, at the meeting of the Legislative Council held on 3rd March 1958, page 81 supra.]

The difficulties reported to be experienced by the religious institutions as a result of the working of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, and the action taken by the Government are indicated below :—

(i) Under section 38 of the Abolition Act, where an inam estate was held immediately before the notified date by a religious institution, the Government should pay to the institution, every year, a tasdik allowance equal to the basic annual sum, and where the tasdik allowance so payable is less than the difference between—

(*a*) the average net annual income derived by the institution from all sources in the estate during the five complete faslis immediately preceding the notified date, and

(*b*) the income which the institution may be expected to receive from the lands in respect of which it is entitled to a ryotwari patta

the deficiency should be made good to the institution by the Government every year. This concession is not applicable to zamindari and under-tenure estates owned by religious institutions. In respect of these estates, the institutions are entitled only to a lump-sum compensation, from investing which they do not get as much income as the institutions which owned inam estates get under section 38 of the Abolition Act. The question whether the benefits of section 38 of the Abolition Act should be extended to the institutions which own zamindari and under-tenure estates was considered in the past and dropped, in view of the financial commitments involved.

(ii) Though under section 38 of the Abolition Act, the religious institutions are assured of the income they had been getting before the taking over of their inam estates, yet, in arriving at the additional compensation payable under this section, the compensation paid by the Government under section (5) (1) of the Madras Estates Land (Reduction of Rent) Act, 1947, is not taken into account as it is considered to be not an income derived from a source in the estate. A proposal to amend section 38 (2) (*a*) of the Abolition Act suitably to remove this difficulty was examined but, in view of the financial liability, the proposal was dropped. This was also the subject-matter of certain writ petitions filed in the High Court by the Ramanathapuram and Sivaganga Devasthanams. The High Court has allowed the writ petitions. Further action to be taken in the matter has yet to be examined.

(iii) Under section 38-A of the Abolition Act, the compensation payable in respect of an inam estate held by an individual on condition of rendering service to a religious institution is paid to the individual and the institution is left without any effective means of compelling him to continue to perform the service for which the inam was granted. It was therefore suggested that the section should be amended so as to preserve the continuance of the service to the religious institution in respect of inam estates falling under that section. The Government were however advised that such an amendment could be made applicable only to those inam estates which had not yet been taken over. As such estates were few in number, the Government decided that it was not worth while to amend the section and accordingly dropped the proposal.

(iv) Complaints have also been made about the delay in the payment of compensation under the Rent Reduction Act. In cases where there have been delays in the submission of applications by the institutions for payment of compensation the Government are adopting a liberal policy and condoning the delays. The Collectors have been instructed to warn the managements of the institutions against delays in submitting their applications and to see that the proposals are dealt with expeditiously at all stages by their subordinate officers and also to see that the amounts due to the institutions are paid to them promptly.

TAMIL NADU LEGISLATIVE ASSEMBLY
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